

## Civil Court of the City of New York

County of NYPart E

Index Number

Motion Cal. #

Motion Seq. #

## DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	<u>12</u>
Order to Show Cause and Affidavits Annexed.....	<u>3</u>
Answering Affidavits .....	<u>3</u>
Replying Affidavits.....	<u>4-7</u>
Exhibits .....	<u>4-7</u>
Other.....	

Mariners Cove Site B  
Associates  
 Claimant(s)/Plaintiff(s)/Petitioner(s)  
 against  
Steven Greer  
 Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to

is as follows:

Respondent's motion to reargue this court's decision  
and order dated January 28, 2016 is denied. The only question  
on a motion to reargue is whether the court overlooked  
or misapprehended fact or law in determining a prior motion.  
Its purpose is not to serve as a vehicle to permit the  
unsuccessful party to argue once again the very same  
questions firmly and finally resolved (see Sun Mei Inc. v.  
Chen, 21 AD3d 265 [2005]). Moreover, a motion for leave to  
reargue may not include "any matters of fact not offered  
on the prior motion." (CPLR §2221(d)(2)). As stated in  
the prior decision there is no dispute or legal justification  
~~excuse~~ to excuse the fact that respondent has failed  
to pay use and occupancy as directed by the order of the  
Civil Court dated March 13, 2015.

Date

2 / 11 / 2013

Judge, Civil Court

JUDGE MARIA MULLIN